

1 SONYA D. WINNER (SBN 200348)
2 Email: swinner@cov.com
3 COVINGTON & BURLING LLP
4 One Front Street
5 San Francisco, CA 94111-5356
6 Telephone: +1 (415) 591-6000
7 Facsimile: +1 (415) 955-6572

8 ASHLEY SIMONSEN (SBN 275203)
9 Email: asimonsen@cov.com
10 COVINGTON & BURLING LLP
11 1999 Avenue of the Stars
12 Los Angeles, CA 90067-4643
13 Telephone: + 1 (424) 332-4800
14 Facsimile: + 1 (424) 332-4749

15 Attorneys for Defendant
16 CELTIC BANK CORPORATION

17 (Additional counsel listed on signature page)

18 **UNITED STATES DISTRICT COURT**
19 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
20 **WESTERN DIVISION**

21 BARNABAS CLOTHING, INC., a
22 corporation; and ALEXANDER AQUINO,
23 an individual; individually and on behalf of
24 all others similarly situated,

25 Plaintiffs,

26 v.

27 KABBAGE, INC., a Delaware corporation;
28 CELTIC BANK CORPORATION, a Utah
corporation, and DOES 1-100,

Defendants.

Civil Case No.: 2:18-cv-3414 PSG (SS)

**JOINT STIPULATION OF
DISMISSAL**

JOINT STIPULATION OF DISMISSAL

IT IS HEREBY STIPULATED by and between the parties to this action through their designated counsel that the above-captioned action be and hereby is dismissed with prejudice pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. Each party shall bear its own attorneys' fees and costs related to this proceeding and its dismissal.

DATED: December 17, 2018

Respectfully submitted,

MARLIN & SALTZMAN LLP

COVINGTON & BURLING LLP

By: /s/ Adam M. Tamburelli
ADAM M. TAMBURELLI

By: /s/ Ashley Simonsen
ASHLEY SIMONSEN

Stanley D. Saltzman (SBN 90058)
Adam M. Tamburelli (SBN 301902)
29800 Agoura Road, Suite 210
Agoura Hills, California 91301
Telephone: (818) 991-8080
Facsimile: (818) 991- 8081
ssaltzman@marlinsaltzman.com
atamburelli@marlinsaltzman.com

Ashley Simonsen (SBN 275203)
1999 Avenue of the Stars
Los Angeles, CA 90067-4643
Telephone: + 1 (424) 332-4800
Facsimile: + 1 (424) 332-4749
Email: asimonsen@cov.com

J. Dominick Larry (pro hac vice)
BENESCH, FRIEDLANDER,
COPLAN & ARONOFF LLP
333 West Wacker Drive, Suite 1900
Chicago, IL 60606-2211
Ph: 312.212.4949
Fax: 312.757.9192
nlarry@beneschlaw.com

SONYA D. WINNER (SBN 200348)
One Front Street
San Francisco, CA 94111-5356
Telephone: +1 (415) 591-6000
Facsimile: +1 (415) 955-6572
Email: swinner@cov.com

Shane R. Heskin (pro hac vice)
WHITE AND WILLIAMS, LLP
1650 Market Street
One Liberty Place, Suite 1800
Philadelphia, PA 19103

ANDREW SOUKUP (pro hac vice)
One CityCenter
850 10th Street Northwest
Washington, DC 20001-4956
Telephone: +1 (202) 662-6000
Facsimile: +1 (202) 778-5529
Email: asoukup@cov.com

Attorneys for Defendant

1 Telephone: 215.864.6329
2 Facsimile: 215.399.9603
3 heskins@whiteandwilliams.com

CELTIC BANK CORPORATION

4 Attorneys for Plaintiffs
5 BARNABAS CLOTHING, INC. and
6 ALEXANDER AQUINO

DENTONS US LLP

By: /s/ Michael J. Duvall
MICHAEL J. DUVALL

7 Michael J. Duvall (Bar No. 276994)
8 601 South Figueroa Street, Suite 2500
9 Los Angeles, CA 90017
10 Telephone: + 1 (213) 623-9300
11 Facsimile: + 1 (213) 623-9924
12 Email: michael.duvall@dentons.com

13 Nathan L. Garroway (pro hac vice)
14 Jeffrey A. Zachman (pro hac vice)
15 303 Peachtree St. NE, Suite 5300
16 Atlanta, GA 30308
17 Telephone: +1 (404) 527-4000
18 Facsimile: + 1 (404) 527-4198
19 Email: nathan.garroway@dentons.com
20 jeffrey.zachman@dentons.com

21 Attorneys for Defendant
22 KABBAGE, INC.

23 Local Rule 5-4.3.4 Certification: I hereby attest that all other signatories listed, on whose
24 behalf this filing is submitted, concur in the filing's content and have authorized this
25 filing.

26 /s/ Ashley Simonsen
27 ASHLEY SIMONSEN
28